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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT SEATTLE

11                  LINDA LAROCQUE,

12                  Plaintiff,

13                  v.

14                  THE KROGER CO., et al.,

15                  Defendants.

16                  CASE NO. C25-5380 MJP

17                  ORDER DENYING MOTION TO  
18                  COMPEL

19                  The Court issues this Order after reviewing Plaintiff's Motion to Compel and supporting  
20 materials. (Dkt. Nos. 25 & 26.) The Court DENIES the Motion without prejudice for failure to  
21 satisfy the Local Civil Rules' meet and confer requirements.

22                  Under the Local Civil Rules "any motion for an order compelling disclosure or discovery  
23 must include a certification, in the motion or in a declaration or affidavit, that the movant has in  
24 good faith conferred or attempted to confer with the person or party failing to make disclosure or  
discovery in an effort to resolve the dispute without court action." LCR 37(a)(1). The moving  
party "must list the date, manner, and participants to the conference," which must be held in

1 person or by phone. Id. “If the movant fails to include such a certification, the court may deny  
2 the motion without addressing the merits of the dispute.” Id.

3 Plaintiff has not included a certification as required by LCR 37(a)(1), and the Court finds  
4 this failure to require dismissal without prejudice. From the materials provided, it appears that  
5 the Parties had a meet and confer on July 2, 2025, after which Defendants supplemented various  
6 discovery responses on July 14, 2025. While emails included with counsel’s declaration show  
7 some continued discussion after July 14, 2025, there was no actual meet and confer conducted  
8 after July 2, 2025. The Court believes that a further meet and confer is necessary to provide the  
9 Parties one final opportunity to attempt to reach an agreement. The Parties should promptly  
10 schedule the meet and confer to avoid any delay. If the Parties cannot reach agreement, then  
11 Plaintiff may file a renewed motion to compel, which must include a proper certification as  
12 required by LCR 37(a)(1). For these reasons, the Court DENIES the Motion to Compel without  
13 prejudice.

14 The clerk is ordered to provide copies of this order to all counsel.

15 Dated July 28, 2025.



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17 Marsha J. Pechman  
United States Senior District Judge  
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